

Approved as Written: 1/23/02

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - JANUARY 9, 2002**

CALL TO ORDER

Mayor Pro Tempore/Agency Member Carr called the special meeting to order at 6:35 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Chang, Sellers, and Tate
Late: Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

Office Assistant II Malone certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

CLOSED SESSION

City Attorney/Agency Counsel Leichter announced the below listed closed session items. She indicated that Closed Session Item No. 1 was based on: 1) an 8/1/02 e-mail from Linda Allivato to Council Member Chang; and 2) a letter dated 9/1/01 from Chris Platter to PERS.

City Council

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 2

City Council and Redevelopment Agency Action

2.

**CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25 .50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Santa Clara County Superior, No. CV 799179; USDC Northern California
No. C01-20857 RMW

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code 54956.8
Real Property Involved:	8.65 acre parcel located on the west side of Condit Road, north of Dunne Avenue (APN 728-17-019)
Negotiating Parties:	
For City/Agency:	City Manager/Executive Director; City Attorney/Agency Counsel; Director of Business Assistance & Housing Services
For Property Owners:	Horizon Land Inc.
Closed Session Topic:	Acquisition of Real Property

OPPORTUNITY FOR PUBLIC COMMENT

Mayor Pro Tempore/Agency Member Carr opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Pro Tempore/Agency Member Carr adjourned the meeting to closed session at 6:37 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:10 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session items and that the City Council/Agency Commission would adjourn to closed session at the conclusion of the meeting's agenda to continue discussion of closed session item 1.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Scott Schilling led the Pledge of Allegiance.

CITY COUNCIL REPORT

Mayor Kennedy reported on the following committees: 1) Sister Cities Association is just getting off the ground. He addressed last night's Association of American University Women (AAUW) meeting that addressed the upcoming Sister Cities agreement with San Casciano, Italy. He indicated that he would be traveling in April 2002 to sign a formal agreement with the Mayor of San Casciano

to become sister Cities. It is his hope that this would be one of many sister cities that the City would develop in future years, especially with those cities with which Morgan Hill has things in common. Also, on the AAUW's meeting last night was guest speaker Irene Dalis who sang at the Metropolitan Opera who gave an incredible presentation on how she became an opera singer.

CITY MANAGER'S REPORT

City Manager Tewes indicated that City Council Members and staff had the opportunity to participate in the League of California's annual conference at which Governor Davis gave an address. The Governor indicated that it was not his intent to balance the state budget on the backs of cities. Last night, many heard the Governor's State of the State address in which he identified a number of spending priorities. The Governor indicated that he would not be advocating revenue increases nor would he be adversely impacting local government. It is not known how the state budget would be balanced since the state is facing a \$12 billion problem. City Manager Tewes indicated that this is the time of the year that the City begins its budget planning process for the next fiscal year. He stated that a couple of months ago, staff told the City Council that the City was not immune to the recession facing California and the Bay Area. The City had begun experiencing some short falls in revenues, primarily those related to consumer spending (e.g., sales tax, transient occupancy tax) and that staff instituted steps to bring its spending within the available revenue. He stated that each department cut back 5% and the City had to use some of its reserves for the current fiscal year. He indicated that the City anticipates a similar situation next fiscal year. He said that the City has a strong financial reserve that will allow the City to weather the recession without significant adverse impacts on the community. However, he could not guarantee what the state legislature and the governor would do. Therefore, the City will need to be cautious as it proceeds against a shortfall in revenue next fiscal year but not so severe that the community will see severe reductions in city services.

CITY ATTORNEY'S REPORT

City Attorney Leichter reported that she did not have a City Attorney's report to present this evening.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment. No further comments were offered.

City Council Action

CONSENT CALENDAR:

City Manager Tewes requested that item 3, Mayor Pro Tempore Carr requested that item 4 and Council Member Tate requested that item 7 be removed from the Consent Calendar.

Action: *On a motion by Council Member Sellers and seconded by Mayor Pro Tempore Carr, the City Council unanimously (5-0) **Approved** Consent Calendar Items 1, 2, 5, and as follows:*

1. **EXTENSION OF THE SANTA CLARA COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY FOR A 10-YEAR TERM - Resolution No. 5449**

Actions: 1) **Adopted** Resolution No. 5549 to Extend the Santa Clara County Abandoned Vehicle Abatement Service Authority (AVASA) for a 10-year term; and 2) **Authorized** the City Manager's Continued Participation as Member of the Santa Clara County AVASA; and 3) **Approved** the City's Continued Participation in the Existing "Agreement for Santa Clara County Abandoned Vehicle Abatement Service Authority" and the Collection, by the Department of Motor Vehicles, of a One Dollar (\$1.00) Vehicle Registration Fee for This Purpose.

2. **ACCEPTANCE OF THE COMMUNITY PLAYHOUSE GRADING AND WALL INSTALLATION PROJECT**

Actions: 1) **Accepted** as Complete the Community Playhouse Grading and Wall Installation Project in the Final Amount of \$69,455; and 2) **Directed** the City Clerk to File the Notice of Completion with the County Recorder's Office.

5. **APPROVAL OF ADDITIONAL WORK WITH THE UNION PACIFIC RAILROAD (UPRR) FOR THE IMPROVEMENTS ASSOCIATED WITH THE MAIN AVENUE/UPRR AT-GRADE CROSSING**

Actions: 1) **Appropriated** \$30,000 From Unappropriated Traffic Impact Fee Fund Balance to Supplement Funding for CIP Project No. 524D00 and 2) **Approved** the Expenditure of \$30,000 for the Construction of Additional Concrete Panels at the Main Avenue/UPRR At-Grade Crossing.

6. **BLOOD DRIVE CO-SPONSORSHIP**

Action: **Agreed** to Cosponsor the Blood Drives at City Hall.

3. **COMMUNITY AND CULTURAL CENTER PROJECT - NOVEMBER CONSTRUCTION PROGRESS REPORT**

City Manager Tewes and Director of Public Works Ashcraft informed the City Council that the monthly report for December has been completed and has been presented to the City Council this evening.

Mr. Ashcraft stated that the good news for December is that a lot of progress has been made (e.g., footings installed, concrete poured, and steel framing members standing for Gavilan College). He indicated that the contractor has had to work around the rain and that he is a few days behind the

overall schedule. It is hoped that the time can be made up, depending on the rain, in the next two months. He indicated that Project Manager Ritter and a representative from the contracting firm were present to answer City Council questions.

Mayor Kennedy noted that the storm drains have been installed to help relieve flooding build up on site. He asked if the site is protected from further rains?

Project Manager Ritter indicated that pads and the parking lot have been winterized and that it is not necessary to winterize the amphitheater area. He stated that the February issue of City Visions will contain a community information item that will include pictures. He said that it is hoped that the project would be completed in October, barring rainy days.

Council Member Tate expressed concern that the report in the packet was over a month old, noting that a current report has been presented to the Council. He noted that the report is scheduled to be placed on the Consent Calendar once a month. He felt that great progress is being made on a vital asset to the City of Morgan Hill. He felt that the community should be able to see the progress being made on the Community and Cultural Center. He asked if this should be included as a presentation once a month so that staff can show progress being made?

Mayor Kennedy recommended that a report be placed on Channel 17. Mr. Ashcraft indicated that the report could be placed on Channel 17 as well as the City's web page.

Action: **Informational Only**

**4. APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT
WITH MH ENGINEERING FOR DESIGN OF BUTTERFIELD BOULEVARD
EXTENSION FROM SAN PEDRO AVENUE TO TENNANT AVENUE**

Mayor Pro Tempore Carr requested that staff address the timeline for the traffic light at Diana Avenue and the existing Butterfield Boulevard intersection.

Director of Public Works Ashcraft stated that the traffic signal construction at the Butterfield/Diana intersection was budgeted separately from this project and that it has been budgeted in the current year's budget. Design was approved four or five months ago and that the design is more than 50% complete. It is planned to bid the traffic signal in the spring and construct it in early summer. It was his belief that the traffic signal would be operational before school starts next year, before this project starts.

Actions: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Carr, the City Council unanimously (5-0): 1) **Approved** the Supplemental Proposal; and 2) **Authorized** the City Manager to Execute an Amendment to the Professional Services Agreement with MH Engineering for Design of Butterfield Boulevard*

Extension from Tenannt Avenue to San Pedro Avenue, Increasing the Approved Amount From \$124,927 to \$172,957.

7. APPROVAL OF CONTRACT FOR MURPHY AVENUE CORRIDOR STUDY CONSULTANT SERVICES

Council Member Tate indicated that all Council Members were copied on an e-mail from a resident who has been interested in this item but who was unable to attend this evening's meeting. He indicated that the resident expressed concern whether park safety for children was adequately considered. Also, of concern was that there was not enough focus on the park as a walk to site.

Planning Manager Rowe clarified that the resident is requesting that the city look at a single point urban interchange alternative for the current Dunne/101 interchange which would increase the spacing from the ramps to Condit, thereby allowing Condit Road to function more as an arterial in lieu of Murphy Avenue. He indicated that staff spoke with the City's consultant to see if this analysis can be incorporated in the workplan. The consultant responded that there was not a problem with including the analysis in the work plan. He stated that staff is not recommending an adjustment in the recommended contract amount at this time but that staff would consider the alternative in the proposal. He said that staff would look at a "walk to park" as part of this project.

Mayor Kennedy stated that it is important to note that this project is progressing.

Actions: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0): 1) Appropriated \$56,300 from the Unappropriated Fund Balance from the Traffic Impact Fee Fund for the Murphy Avenue Corridor Study; and 2) Authorized the City Manager to Execute a Consultant Services Agreement for Contract Consultant Services at a Cost Not to Exceed the Above Amount, Subject to City Attorney Approval.*

City Council & Redevelopment Agency Action

Action: *On a motion by Council/Agency Member Tate and seconded by Council/Agency Member Sellers, the City Council/Agency Commission unanimously (5-0) Approved Consent Calendar Items 8 and 9 as follows:*

8. SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 5, 2001

Action: *Approved the Minutes as written.*

9. **SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY
MEETING MINUTES FOR DECEMBER 12, 2001**
Action: Approved the Minutes as written.

City Council Action

PUBLIC HEARINGS:

10. **ZONING APPLICATION, ZA-01-05/EA-01-12: MONTEREY-SOUTH VALLEY
DEVELOPERS (APN 764-10-004)**

Planning Manager Rowe presented the staff report. He recommended that this item be continued to February 6 in order to allow the City Attorney to address legal issues raised by the attorney representing the homeowners that reside in the neighborhood to the west of the proposed development.

Mayor Kennedy informed the public that staff is suggesting that this item be continued to February 6. He indicated that citizens are welcome to address the Council this evening or address the City Council on February 6, 2002.

City Manager Tewes stated that staff was contacted by the representative of those individuals who are appealing a related use permit to this application. The individuals asked if this item would be heard this evening. Staff advised that staff is recommending that this item be postponed and that staff had contacted the applicant to advise him of the recommendation. He felt that based on this representation, individuals who may have concern about this project would not be in attendance this evening. He indicated that the City Council has been provided a letter from the attorney representing the homeowners reciting his comments. The attorney's letter states that based on what was posted on the agenda and conversations held, he anticipates very few individuals in attendance this evening due to the expectation that this item would be postponed.

Mayor Kennedy opened the public hearing.

Scott Schilling, applicant, indicated that he has repeatedly attempted to meet with Robert and Rebecca Tas and Robert Quill, the appointed representatives of the homeowners to the west of the railroad tracks and west of Old Monterey Road who oppose this project. Many months ago, when he began the Planning Commission hearings, he was able to meet with Robert and Rebecca Tas. He was given a list of concerns from the neighbors at that time. He did his best to respond to these concerns and has repeatedly requested additional meetings to review these concerns in order to try to resolve the issues and find solutions to the concerns that the neighbors have. Late this afternoon, he received a phone call from Rebecca who has agreed to try to schedule a meeting this coming week. As a builder, developer and as a resident of Morgan Hill, he wants to be a good neighbor. He invited any and all neighbors who would like to meet with him on this project to try to resolve

and/or improve the development of the site to meet with him. He noted that issues of concerns were raised in the newspaper the previous week as follows: Monterey/Old Monterey intersection; railroad; safety of the children who may attempt to cross the railroad track to the project; and storm drainage. He stated that he would agree to meet with the neighbors and city staff to try to come up with a solution that meets everyone's needs. He introduced the site plan and the project design.

John Dossetti, 15174 Yosemite Way, stated that he has served on the Chamber of Commerce's Economic Development Committee. For years, this Committee discussed the entryway into Morgan Hill. He said that the gateway into Morgan Hill today is Cochrane Road. He expressed concern in seeing a piece of property such as this at the entryway to the city, used as a park instead of a commercial venture.

Rocke Garcia, 100 East Third Street, indicated that he is a property owner and developer in town and as a member of the General Plan Committee. From his overview of the 2.5 years General Plan process, he stated this project is what the Committee is looking for (e.g., statement architecture, one that blends and will add to the community). He felt that this project would add to the Madrone Business Park and that the architectural design proposed is very much in line with his Capriano project. He felt that it was important to approve a project similar to what is being proposed by Mr. Schilling as it would be a positive project for the community.

Patti Andrade, representing her family's business, El Capri Restaurant, did not believe the Planning Commission addressed the concerns of either her family or the neighbors regarding the proposed development. It was her belief that the City Council and the Planning Commission have a responsibility in addressing the issues. As a business, her family understands the advantages of the proposed development but also see the negative impacts associated with safety and crime attributed to the proposed project. She requested that the City Council address the issues of the neighbors and that the City Council help and support her family's business.

Gary Genest, 18515 Old Monterey Road, stated that there are many individuals in the neighborhood opposed to the project, including himself and that the residents of the neighborhood have specific objections and concerns that they would like to present to the City Council. He said that the neighbors would agree to present their comments at the February 6, 2002 City Council meeting. He submitted correspondence for the record.

Council Member Sellers stated that there would be opportunities for dialogue and discussion in the upcoming month and that he hopes that this will occur with the developer and the neighbors. Also, if individuals are interested in getting in contact with Council Members, they are welcome to contact them via e-mail, written correspondence or phone.

Council Member Tate requested that staff agendaize the discussion of the corner of Monterey and Old Monterey Road. He requested an update on the safety of this intersection from staff (e.g., installation of signal in the vicinity). He did not believe that this concern was necessarily associated

with this project.

No further comments were offered.

Action: *On a motion by Council Member Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **Continued** the Public Hearing for this item to February 6, 2002.*

OTHER BUSINESS

11. REQUEST TO POSTPONE APPEAL HEARING DATE; AND CONSIDER PROPERTY OWNERS' REQUEST FOR SUBPOENAS

City Manager Tewes indicated that items 11 and 12 were related in the sense that both concern the proposed hearing on a nuisance abatement order for property located on Llagas Road. Item 11 is a request from the appellant to postpone the hearing and to approve subpoenas, on the part of the Council, to compel the testimony of certain witnesses. Item 12 is a similar request for subpoena of witnesses for the January 22 hearing by the City. He stated that the City Council may wish to discuss the appellants' request to delay the hearing first.

City Attorney Leichter stated that she was appearing on behalf of the Community Development Department as the City Council would have separate counsel to advise it on the code enforcement proceedings. She indicated that the City Council has a request from the property owners to consider a continuance of the hearing date. She addressed the history behind the scheduling of the hearing in this matter. She said that it is staff's belief that the history fully demonstrates that the Community Development Department has made sufficient efforts to schedule this hearing and that the hearing has been scheduled for some time. She said that staff would object to a continuance. However, a continuance is within the Council's discretion. Should the Council wish to continue the hearing, she requested that the continuance be made contingent upon several conditions: 1) the Allivatos waive their right to contest that there has been any deficiency in the hearing scheduling process as this is their request for a continuance; 2) that the Allivatos agree to a date certain so that this item does not get put off again; and 3) there is to be no further construction work on the site. She reiterated staff's request that the City Council not continue the hearing date. She indicated that the Council has before it a picture taken of the back of the site from January 2000 showing a window on the back wall of the structure. The Council has a letter dated October 17, 2001 reminding the Allivatos that they are under a stop work notice and that the structure has been red tagged. The Council also has a photograph downloaded from the City's digital camera to the City's computer from November 30 which show that there has been extensive work on the structure since the courtesy reminder was issued. In addition, should the City Council decide to continue the hearing, the Community Development Department does not believe that it is appropriate to issue subpoenas for the attendance of current City employees. She requested that the City Council order the City Manager to produce these witnesses.

Mayor Kennedy opened the floor to public comments. No comments were offered and it was noted that the property owners were not in attendance.

Council Member Tate stated that this item has been postponed a couple of times and that it has been on-going for a long time. He said that all the facts have been drawn together since the September time frame. He did not believe that there was anything more that could be added or done to change things. He noted that the City Council came up with a date certain, that date being January 22. He said that five members of the City Council committed to this date. Therefore, he did not see a need to change this date. If the City Council agreed to change the date, he felt that the City Council would have the same problem of not finding a date on the calendar where all five council members could be in attendance. He felt that the issue needs to be placed behind the city and that the city needs to take the next steps to resolve the matter. Therefore, he recommended that the City Council proceed with the date scheduled.

Council Member Sellers indicated that he was prepared to be generous in his consideration of the request this evening. He stated that he was perplexed that the property owners were not in attendance this evening. He said that he was inclined, based on the absence of the property owners, to deny the request and proceed with the matter. He acknowledged that there was a strong indication from the majority of the City Council to be in attendance on January 22 to proceed and place this issue behind it.

Action: *Council Member Sellers made a motion, seconded by Council Member Tate, to 1) **Deny** the request to continue the hearing; 2) attendance of city employees to be through the City Manager; and 3) **issue** subpoenas for non city employee witnesses.*

Mayor Pro Tempore Carr stated that he was supportive of the motion and that he was also perplexed that the property owners were not present to plead their case when they are making such an appeal of the City Council. In his reading of their request, the only point the property owners make in why they would like the appeal date changed is due to the fact that only three members of the City Council would be available at the scheduled meeting of January 22, 2002. While this is unfortunate, it was his understanding that it is not required that all five council members be in attendance of the hearing.

Council Member Sellers felt that it was important to point out that although two Council Members have indicated that they may have problems attending the January 22 meeting, it may very well be that there may be four or five Council Members in attendance, noting that a majority of the Council Members would be in attendance.

City Attorney Leichter stated that although not explicitly stated as a ground for requesting a continuance in their letter, Mr. and Mrs. Allivato do make reference to the fact that they were not informed of certain events. She takes this to mean by their attorney, they have since January 1, 2002, abandoned their attorney. Therefore, the Allivatos have been without an attorney for the past

two or three weeks. She indicated that their former attorney was assisting them in preparing for this hearing. Although the Allivatos have not explicitly stated this, she took this to be an implicit ground to request a continuance, as they are without counsel.

Council Member Chang stated that she would be in attendance at the January 22 meeting. It was her belief that this case will go to court eventually. She did not believe that it would look good if the City allowed the Allivatos to proceed without legal counsel, noting that the Allivatos have requested a delay of the hearing date and the Council is not inclined to grant the delay.

Council Member Tate stated that it was his belief that the Court understands the responsibility of the parties to retain counsel if representation is so desired. Therefore, he did not understand the problem.

City Attorney Leichter clarified that the City Council would be hearing, in the code enforcement proceedings, a request from the Community Development Department to uphold the hearing officer's determination that this is a nuisance. She would also be requesting authority to go to court for a warrant to enter onto the property and abate the nuisance. Therefore, the City would be in court on this matter, even if it is not a direct lawsuit by the Allivatos.

Vote: *The motion carried 3-2 with Mayor Kennedy and Council Member Chang voting no.*

City Manager Tewes reminded the Council that pursuant to its rules, and as previously advised to both parties (Community Development Department and the appellant), in order to prepare for the January 22 hearing, the City Council has asked that a memorandum be prepared by each side, outlining the factual and legal support of the parties' positions so that the Council can be informed of the issues, evidence and lines of argument. Submittal of this information will allow the Council to be prepared for the hearing. The City Council has also asked that any documents to be presented at the January 22 hearing be presented in advance, with Monday, January 14 being the deadline as previously advised to both parties.

12. CITY OF MORGAN HILL'S COMMUNITY DEVELOPMENT DEPARTMENT'S REQUEST FOR ISSUANCE OF SUBPOENAS FOR WITNESSES AT THE APPEAL OF THE CODE ENFORCEMENT ACTION - 825 LLAGAS ROAD NUISANCE ABATEMENT

City Attorney Leichter presented the staff report and requested the withdrawal of Jean Condren as a subpoenaed witness. She indicated that staff has not contacted the non-employee witnesses to determine their availability.

Action: *On a motion by Council Member Sellers and seconded by Council Member Tate, the City Council unanimously (5-0) **Issued** Subpoenas to the Following Witnesses to Appear and Testify at the Appeal of the Code Enforcement Action Regarding 825*

Llagas Road on January 22, 2002: a) John Condren; b) William McClintock; c) Michael Davis; and d) Peter Anderson. (Note: Jeanne Condren was removed from the list.)

13. COUNCIL LIAISON TO COMMUNITY GROUP FOR DEVELOPMENT OF A DAY WORKER CENTER

City Manager Tewes presented the staff report.

Mayor Kennedy stated that he suggested that this item be agendaized because Council Member Chang is already working on this project. He requested that any concerns or directions be raised at this time.

Council Member Sellers felt that the appointment would be appropriate. He stated that he was frustrated, early on in this process, that the Pinnacle Newspaper chose to editorialize that they felt that it was too bad that the City Council was not behind this issue. He stated that there has been a unanimous concern by the City Council over this issue for some time. The question is how you deal with the issue. He stated that many cities have tried to deal with similar problems and either have met with failure or made the problem worse. He said that there are significant legal hurdles that the city has to overcome. He wanted to see the situation improved, to keep people from inappropriately gathering in certain locations, and not allow the day workers to be exploited.

Council Member Chang presented an update on the situation by stating that the St. Catherine's Day Worker Committee has found a site (Isaacson Grain Co.). She indicated that this committee is currently negotiating the lease. The Committee is trying to secure insurance for the building. She stated that City staff has been helpful in working on this issue with the St. Catherine's Committee. She said that February 1 is the targeted opening date. She indicated that staff has discussed the use of surplus equipment that the City might have. She felt that it would be a difficult process to keep the efforts going, but that with support from the City Council, the situation could improve.

Council Member Tate stated that he did not understand the City's role in this effort, as this issue has not been brought before the City Council for its endorsement or support. He stated that he was supportive of doing something that would be effective in terms of giving the day laborers a place to meet, and to be used by the individuals who hire the day laborers as a point of contact. However, he has not seen how the project is set up to work. He asked what will make the day laborers go to this location and what will make those individuals who want to hire the day laborers visit this location? He did not have the answers to these questions because discussions are taking place outside of the city's purview. He stated that he wants to support this issue and make it work but that he was confused as to his role in helping make this effort a success. He stated that he could not endorse the solution without seeing a detailed plan on how it will be implemented.

Mayor Kennedy recommended that Council Member Chang and staff return to the City Council with a report to answer questions raised (e.g., what is the city's role, what would the Council like to do, what has actually taken place.)

City Manager Tewes stated that a purpose of the Committee is to identify ways in which they can achieve their objectives without the city having a role. Should assistance from the City be necessitated, the Committee would identify the need/role and return to the City. He said that the assistance provided by staff is information that would be provided to any private party who wants to know if a building meets code. To the extent that city assistance is necessary, it was his expectation that the working group would ask for assistance and make a presentation to the City Council at such time that assistance is being requested.

Council Member Tate stated that he would like to be involved in the planning process if the City Council is to be sought for assistance.

Mayor Kennedy felt that one of the City's role is to be a facilitator. He felt that this is something that he would support and hoped that the City Council would support.

Council Member Chang stated that she did not believe that the Committee sees the City as the responsible party and that it was her belief that the Committee would like to resolve the day labor issue on its own. The Committee may come to the city to request assistance in the future, but at this time, the Committee would like to proceed without city assistance. She stated that the City Council's help would be sought once the long term plan has been identified. She requested that Council Member Tate assist her with this committee.

Mayor Pro Tempore Carr stated that he shared the concerns expressed by Council Member Tate. He said that he has not been involved in the project but that he is aware of the problem and has spoken to many constituents about the problem. He said that he has not been involved in the Church's angle on what the answer should be. By appointing a council member through Council action, the City becomes involved. He requested that the subject matter return to the City Council so that it knows what is going on, even if no city assistance is being sought at this time. He applauded the Church for moving forward and doing something. However, he did not want to see this issue return to the City Council and become the City's problem. With the appointment of a Council Member to this committee, the City becomes involved as part of the answer to the issue.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) **Appointed** Council Member Chang as Council Liaison to a Community Group Working on Options for Developing a Day Worker Center in Morgan Hill.*

14. CITIZEN APPOINTMENT TO THE SOUTH COUNTY JOINT PLANNING ADVISORY COMMITTEE

Mayor Kennedy indicated that he did not have a citizen appointment recommendation to make this evening.

Action: *On a motion by Council Member Sellers and seconded by Council Member Chang, the City Council unanimously (5-0) **Directed** the City Clerk to Solicit Applications to Fill Citizen Vacancy to the South County Joint Planning Advisory Committee.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS

No items were identified.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting at 8:14 p.m. in order to conclude discussion of closed session item 1.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 8:33 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on Closed Session Item 1.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 8:34 p.m.

MINUTES RECORDED AND PREPARED BY:

Irma Torrez, City Clerk/Agency Secretary